



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, September 28, 1999, 8:00 p.m.

MEETING

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Mayor Cooper.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriguez, Ward, Dowling, Henson
MAYOR Cooper
Absent: None

PUBLIC COMMENTS

Ron Barklow, 1210 Tiegen Drive, inquired on the recent trip taken by the Mayor to Washington, D.C., and asked if she could report on it.

Jason Moreno, 25200 Carlos Boulevard, commented on police schedules stating that the schedules relate to where police officers live.

Francisco Abrantes, 22815 Alice Street, read a statement relating to certain Portuguese individuals involved in World War II.

William Hubbell, 25536 Lindenwood Way, spoke on various alliances between agencies that have caused detrimental effects to this community.

Al Reynolds, 2547 Erskine Lane, commented on the upcoming Veterans' Day parade and a recent planning committee that he attended on this regard.

Robert E. Kroeckel, 31299 Oakhill Way, commented on sidewalk repairs and suggested a home tax base to financially assist homeowners who cannot afford to repair their sidewalks nor replace trees.

Mayor Cooper then welcomed students from the Mt. Eden High School government class.

CONSENT

Item 3 was removed for further discussion by Council Member Henson.

1. Approval of Minutes of the Regular City Council Meeting of September 21, 1999

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It was moved by Council Member Hilson, seconded by Council Member Jimenez, and unanimously carried to approve the Minutes of the Meeting of the City Council of September 21, 1999.

2. Water Pollution Control Facility Control Building Mechanical Conversion: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated September 28, 1999, was filed.

It was moved by Council Member Hilson, seconded by Council Member Jimenez, and unanimously carried to adopt the following:

Resolution 99-154, "Resolution Approving Plans and Specifications for the Water Pollution Control Facility Control Building Mechanical Conversion Project, Project No. 7623, and Call for Bids"

3. Hesperian Boulevard Fiber Optics Project: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated September 28, 1999, was filed.

Council Member Henson commended staff for pursuing the Bay Area Air Quality Management District Transportation Fund Clean Air Grant to fund this project. He asked Public Works Director Butler for further information on transportation issues.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 99-156, "Resolution Approving Plans and Specifications for the Hesperian Boulevard Fiber Optics Project, Project No. 5182, and Call for Bids"

4. Acceptance of Michelle Smiths' Resignation from Human Services Commission

Staff report submitted by Deputy Director of Public Works Bauman, dated September 28, 1999, was filed.

It was moved by Council Member Hilson, seconded by Council Member Jimenez, and unanimously carried to adopt the following:



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Resolution 99-155, "Resolution Accepting Written Resignation of Michelle L. Smith, MD, as a Member of the Human Services Commission of the City of Hayward"

HEARINGS

5. Appeal of Planning Commission's Approval of Tentative Parcel Map 7460 – Sukhdev Kapur and Rana Ahmed (Subdividers/Owners), Andrew and Michele Van Laningham, Et. Al. (Appellants) – Request to Subdivide a .84± Acre Parcel into Three Single-Family Parcels - Property is Located on the Southwest Corner of University Court and Campus Drive in a RS (Single-Family Residential) District (*Continued from 9/7/99*)

Staff report submitted by Development Review Engineer Anastas, dated September 28, 1999, was filed.

Development Review Engineer Anastas reported that the Planning Commission found the project consistent to the General Plan. Concerns of the neighborhood included traffic and obstructing of current views. He noted that the staff recommendation is to deny the appeal and uphold the Planning Commission's action of approval.

Council Member Jimenez asked whether the project had sufficient adequate off street parking and whether it was consistent with the General Plan and the Hayward Highlands Neighborhood Plan and whether all of the lots exceed 10,000 square feet. Staff answered in the affirmative.

Council Member Hilson asked about traffic counts on Highland Boulevard and University Court.

Development Review Engineer Anastas stated that the principal of the Highland Elementary School indicated that the school has a standing safety committee which has cooperated with the City Police Department and Public Works, and they have addressed the school's concern with traffic markings and signage for the school.

Council Member Hilson expressed further questions regarding Highland Boulevard traffic.

Public Works Director Butler explained that there is not the kind of density either in the area or with the project to warrant that kind of traffic study for the area.

Council Member Ward asked about existing fencing and walls on property boundary lines.

Public Works Director Butler responded that there is no requirement for full-length retaining walls.

DRAFT

Council Member Ward then asked about restrictions on hours of construction. Development Review Engineer Anastas stated that the City hours of operation for construction are implied.

Council Member Dowling asked about zoning for the property across the street. He was told that the property would qualify to support two-5,000-square-foot lots, however, the City would not automatically approve them, given their location in the hills.

Council Member Dowling asked for further information about the design guidelines.

Council Member Henson asked about the narrowness of University Court. Development Review Engineer Anastas responded that staff researched the records of the area for accidents and history of complaints for road conditions; neither applies to University Court. However, unlike some of the other streets in the area, this street is not a through street.

Council Member Henson asked for further clarification of the 15-foot wide easement. Staff noted that this non-buildable easement is to maintain and protect the hillside on the upward slope.

Council Member Rodriquez asked whether the applicant would be living on the newly designed property. Staff responded that this was unknown.

Council Member Ward asked about the remaining parcels in the area with development potential. He said many of the neighbors expressed concern about development of these further acres. He asked the City Manager how Council might be able to adopt a policy to limit the lot sizes in this area.

City Manager Armas explained that the Council agreed to rezone some of the lots in the area to RSB-10, a 10,000 square-foot minimum in certain areas. He said if this is Council's expressed interest, staff would have public hearings and go through the usual process.

Mayor Cooper opened the public hearing at 8:42 p.m.

Tom Evans, 25542 University Court, spoke on the relocation of the two fire hydrants that are presently on the street. He stated his belief that the grade of the driveway will be too steep for the fire trucks. He also asked that a solution to water drainage be considered, before the water goes down the hill into the cul-de-sac which is a hazard. He added that the retaining walls should be set back so that dirt does not wash over the walls since it is a fairly steep area. He also asked that City structures such as hydrants and telephone poles not become obstructions, and that the native trees be replanted in that area.

Andrew Van Laningham, 25425 University Court, asked if this development is granted, can there be another variance filed to build another one-to-five homes directly across the street on property for sale on three more lots. This opens the potential for 12 more homes to be developed. How can the City continue to assure homeowners in the area they will have a rural environment? He urged that no variances be granted and there be only two homes developed rather than three homes.



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Henry Tombari, 2060 Quail Canyon Court, professional engineer, spoke to the character of the property. He said the height of the property is more than shown on the map, the slope is also high. He indicated that grading on the hill will destabilize the hill and adjacent properties. He said retaining walls will change the character of the property.

Cheryl Amosu, 25600 University Court, commented on the current traffic impacts. She said traffic in the area is an issue. Many days they cannot get out of their driveway. Students at Cal State park in front of their house.

Joan Tombari, 2060 Quail Canyon Court, also discussed the fact that there is no police assistance for children crossing the street. She explained that this variance could only make the situation worse if other properties in the neighborhood are also developed. She then spoke on behalf of a neighbor who owns property contiguous with the proposed project.

Seyi Amosu, 26500 University Court, explained that there is a school traffic safety issue in the area. It creates a safety problem for children. He added that the principal is also concerned. He suggested only one or, at the most, two houses be built.

Michael Milani, Milani and Associates, civil engineers in Pleasant Hill, spoke on behalf of the owners and addressed future development concerns of the neighbors. He answered questions from Council Members Ward and Rodriquez regarding the retaining walls and the slope and grade of the parcel.

Rana Ahmed, said he spoke with the principal who indicated that she thought it was going to be a much larger development than just three homes. He said they purchased the property after reviewing the parcel and indicated that this project will improve the value of the neighborhood homes.

Attu Patel, DKS Associates, hired by the one of the owners Sukhdev Kubar said that since this is a single-family use for three homes, it is a very low trip generator. It is a low volume residential street; there should be no impact to surrounding area.

Council Member Henson asked how they factor in the actual impact of the University students.

Mr. Patel indicated that the majority of traffic in the neighborhood is during off-hours so it should not interfere with University parking.

Mayor Cooper closed the public hearing at 9:16 p.m.

In response to Mayor Cooper's question regarding the "destabilization" of the clay, Public Works Director Butler responded that they do not see this as an issue.

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City Manager Armas responded to Council concern on the square footage for future homes. He indicated that the ultimate constrictor will be the topography of the property. Development Review Engineer Anastas commented that the site has no trees of any significance. City ordinances require that all development shall not block or augment runoff from the site. Regarding the fire hydrants, the conditions of approval include sprinklers and either/or relocation of the hydrants to the satisfaction of the Fire Marshall.

Mayor Cooper wondered whether the neighborhood might develop a program similar to that of neighbors near Chabot, which designates the use of stickers to limit parking to residents only.

City Manager Armas said there is a City program that the neighborhood may take advantage of, if they request it.

Council Member Ward asked for a clarification of whether the applicant would be able to come back for a further variance on the lot to build more homes.

City Attorney O'Toole responded that Council is in no position to issue assurances of no further approvals of variances on this lot since they are unable to prejudge applications. If or when an application is submitted, the Council would have to make the decision at that time.

It was moved by Council Member Henson, seconded by Council Member Jimenez, and carried by the following roll call vote to deny the appeal, uphold the Planning Commission recommendation. At the request of Council Member Ward and approved by the maker of the motion as well as the second, he added an additional friendly amendment that will restrict construction on the site to weekdays from 8 a.m. to 5 p.m. and eliminate construction on the weekends. Staff was further directed to return in order to adjust the present zoning designation and explain the parking program to the neighborhood that prohibits university students from parking there.

Council Member Jimenez complimented the neighborhood on their professional behavior during the hearing. He said he knows it can be an emotional issue.

Council Member Dowling stated that he would not be supporting the motion due to the density of the development and the size, as well as the soil issues that were presented, the traffic impacts, and his concern to preserve the rural character of this lot.

Council Member Rodriguez commended the neighborhood for desiring to maintain the character of their neighborhood in spite of the concept that real estate agents promote, that new development raises neighboring home values. She agreed with Council Member Dowling's comments. She would be opposing the project.

Council Member Ward asked for a friendly amendment that construction on the site be limited to the hours of 8 a.m. to 5 p.m. and no construction on weekends. This was accepted. He expressed concern on what happens to the future of this neighborhood. This Council is



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committed to addressing the issue of maintaining the rural character in that neighborhood. He said he felt that this is a reasonable development and neighborhood concerns could be addressed.

Council Member Dowling asked staff if traffic issues at the local elementary schools have been discussed with the school district staff.

City Manager Armas indicated that the question has been raised through the safety Task Force

Council Member Hilson indicated that he opposed a larger project on this site in the past; however, he could see that this project, if restricted, could be a good development. He pledged a strict review of the project as it progresses in order to protect the character of the neighborhood.

Resolution 99-157, "Resolution Upholding the Planning Commission's Decision to Approve Tentative Parcel Map Number 7460"

It was moved by Council Member Henson, seconded by Council Member Jimenez, and carried by the following roll call vote to deny the appeal, uphold the Planning Commission recommendation and direct staff to return in order to adjust the present zoning designation and explain the parking program that prohibits university students from parking in this neighborhood. At the request of Council Member Ward and approved by the maker of the motion as well as the second, he added an additional friendly amendment that will restrict construction on the site to weekdays from 8 a.m. to 5 p.m. and eliminate construction on the weekends.

AYES: Council Members Jimenez, Hilson, Ward, Henson
MAYOR Cooper
NOES: Council Members Rodriquez, Dowling
ABSENT: None
ABSTAINED: None

LEGISLATIVE BUSINESS

6. An Ordinance Authorizing Execution of a Development Agreement with the Gordon Oliver Estate and Trust and the Alden Oliver Trust for Development of the Mount Eden Business and Sports Park Development Project

Staff report submitted by City Clerk Reyes, dated September 28, 1999, was filed.

City Clerk Reyes noted that the staff report incorrectly stated that Council Member Ward introduced the ordinance on September 21, but in fact Council Member Hilson did. However, it was published correctly.

DRAFT

Mayor Cooper opened the public hearing at 9:43 p.m.

Ron Barklow, 1210 Tiegen, asked for the land value of the 12-acre project site on Industrial Boulevard that is being exchanged for 25-acres of the Oliver property of the Sports Park site. He also alerted the Council to a forthcoming draft EIR on the Baumberg Tract.

Mayor Cooper closed the public hearing at 9:44 p.m.

It was moved by Council Member Hilson, seconded by Council Member Jimenez, and carried by the following roll call vote to adopt the ordinance as follows:

Ordinance 99-17, "An Ordinance Authorizing Execution of a Development Agreement with the Gordon Oliver Estate and Trust and the Alden Oliver Trust for Development of the Mount Eden Business and Sports Park Development Project"

AYES: Council Members Jimenez, Hilson, Rodriquez,
Ward, Henson
MAYOR Cooper
NOE: Council Member Dowling
ABSENT: None
ABSTAINED: None

COUNCIL REPORTS

Mayor Cooper asked City Manager Armas to comment on their trip to Washington, D.C. He indicated that the trip was necessary for a number of reasons: to ascertain the status of the EIR for Route 238; the status of a grant application; and to speak to elected officials and Interior Department officials regarding the application for the Blue Rock Country Club. He indicated that the EIR for Route 238 would be issued within 60-days. As to the grant for record management within the fire system, they do not know for certain. He indicated that discussions with the Department of Fish and Game regarding the Blue Rock Development particularly emphasized that the Department consider the City's position and consult with the City of Hayward during the process.

ADJOURNMENT

Mayor Cooper adjourned at 9:48 p.m.



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APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward

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